

CHAPTER 1101

SUBSTANTIVE CODE CORRECTIONS

H.F. 2207

AN ACT relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 2A.8, Code Supplement 2003, is amended to read as follows:

~~2A.8 SALES — TAX EXEMPTION AUTHORIZED.~~

~~1. The legislative services agency and its legislative information office may sell mementos and other items relating to Iowa history and historic sites, the general assembly, and the state capitol, on the premises of property under the control of the legislative council, at the state capitol, and on other state property.~~

~~2. The legislative services agency is not a retailer under chapter 422 and the sale of items or provision of services by the legislative services agency is not a retail sale under chapter 422, division IV, and is exempt from the sales tax.~~

Sec. 2. Section 3.1, subsection 3, Code Supplement 2003, is amended to read as follows:

~~3. All references to statutes shall be expressed in numerals, and if omitted the Code editor in preparing Acts for publication in the session laws shall supply the numerals.~~

Sec. 3. Section 8A.221, subsection 3, paragraph b, Code Supplement 2003, is amended to read as follows:

b. Members appointed by the governor are subject to confirmation by the senate and shall serve four-year staggered terms as designated by the governor. The advisory council shall annually elect its own chairperson from among the voting members of the ~~board~~ council. Members appointed by the governor are subject to the requirements of sections 69.16, 69.16A, and 69.19. Members appointed by the governor shall be reimbursed for actual and necessary expenses incurred in performance of their duties. Such members may also be eligible to receive compensation as provided in section 7E.6.

Sec. 4. Section 8A.302, subsection 2, Code Supplement 2003, is amended to read as follows:

2. Providing for the proper maintenance of the ~~state laboratories facility in Ankeny and of the~~ state capitol, grounds, and equipment, and all other state buildings, and grounds, and equipment at the seat of government, and of the state laboratories facility in Ankeny, except those referred to in section 216B.3, subsection 6.

Sec. 5. Section 8A.311, subsection 17, Code Supplement 2003, is amended by striking the subsection.

Sec. 6. Section 8A.315, subsection 1, paragraph c, Code Supplement 2003, is amended to read as follows:

c. A minimum of ~~ten percent of the purchases of garbage can liners made by the department shall be plastic garbage can liners with recycled content. The percentage shall increase by ten percent annually until fifty percent of the purchases of garbage can liners are~~ made by the department shall be plastic garbage can liners with recycled content.

Sec. 7. Section 8A.321, subsection 1, Code Supplement 2003, is amended to read as follows:

1. Provide for supervision over the custodians and other employees of the department in

~~and about the state laboratories facility in Ankeny and in and about the capitol and other state buildings, and the state laboratories facility in Ankeny at the seat of government,~~ except the buildings and grounds referred to in section 216B.3, subsection 6, ~~at the seat of government.~~

Sec. 8. Section 8A.322, subsection 1, Code Supplement 2003, is amended to read as follows:

1. The director shall provide necessary lighting, fuel, and water services for the state laboratories facility in Ankeny and for the state buildings and grounds located at the seat of government, ~~and for the state laboratories facility in Ankeny,~~ except the buildings and grounds referred to in section 216B.3, subsection 6.

Sec. 9. Section 8A.412, subsection 5, Code Supplement 2003, is amended to read as follows:

5. All presidents, deans, directors, teachers, professional and scientific personnel, and student employees under the jurisdiction of the state board of regents. The state board of regents shall adopt rules not inconsistent with the objectives of this ~~chapter~~ subchapter for all of its employees not cited specifically in this subsection. The rules are subject to approval by the director. If at any time the director determines that the state board of regents merit system rules do not comply with the intent of this ~~chapter~~ subchapter, the director may direct the board to correct the rules. The rules of the board are not in compliance until the corrections are made.

Sec. 10. Section 10C.1, subsections 2 and 8, Code Supplement 2003, are amended to read as follows:

2. "Agricultural commodity" ~~means the same as defined in section 190C.1 includes but is not limited to livestock, crops, fiber, or food, such as vegetables, nuts, seeds, honey, eggs, or milk existing in an unprocessed state, which is produced on a farm and marketed for human or livestock consumption.~~

8. "Life science by-product" means a an agricultural commodity, other than a life science product, if the agricultural commodity derives from the production of a life science product and the agricultural commodity is not intended or used for human consumption.

Sec. 11. Section 12B.3, Code Supplement 2003, is amended to read as follows:

12B.3 DISCOUNTING WARRANTS.

If the treasurer of state or any county treasurer, personally or through another, discounts the director of ~~revenue's the department of administrative services'~~ or auditor's warrants, either directly or indirectly, the treasurer shall be guilty of a serious misdemeanor.

Sec. 12. Section 15.313, subsection 1, paragraph b, unnumbered paragraph 1, Code Supplement 2003, is amended to read as follows:

All unencumbered and unobligated funds from the targeted small business financial assistance program, the ~~microenterprise development revolving fund,~~ financing rural economic development or successor loan program, and the value-added agricultural products and processes financial assistance fund remaining on June 30, 1992, and all repayments of loans or other awards or recaptures of awards made under these programs.

Sec. 13. Section 23A.2, subsection 10, paragraph p, Code Supplement 2003, is amended by striking the paragraph.

Sec. 14. Section 68A.602, Code Supplement 2003, is amended to read as follows:

68A.602 FUND CREATED.

The "Iowa election campaign fund" is created within the office of the treasurer of state. The fund shall consist of funds paid by persons as provided in section 68A.601. The treasurer of state shall maintain within the fund a separate account for each political party as defined in section 43.2. The director of revenue shall remit funds collected as provided in section 68A.601

to the treasurer of state who shall deposit such funds in the appropriate account within the Iowa election campaign fund. All contributions directed to the Iowa election campaign fund by taxpayers who do not designate any one political party to receive their contributions shall be divided by the director of revenue equally among each account currently maintained in the fund. However, at any time when more than two accounts are being maintained within the fund contributions to the fund by taxpayers who do not designate any one political party to receive their contributions shall be divided among the accounts in the same proportion as the number of registered voters declaring affiliation with each political party for which an account is maintained bears to the total number of registered voters who have declared an affiliation with a political party. Any interest income received by the treasurer of state from investment of moneys deposited in the fund shall be deposited in the Iowa election campaign fund. Such funds shall be subject to payment to the chairperson of the specified political party as authorized by the director of revenue on warrants issued by the director of revenue the department of administrative services in the manner provided by section 68A.605.

Sec. 15. Section 97A.8, subsection 1, paragraph i, subparagraph (1), Code Supplement 2003, is amended to read as follows:

(1) Notwithstanding paragraph "g" or other provisions of this chapter, beginning January 1, 1995, for federal income tax purposes, and beginning January 1, 1999, for state income tax purposes, member contributions required under paragraph "f" or "h" which are picked up by the department shall be considered employer contributions for federal and state income tax purposes, and the department shall pick up the member contributions to be made under paragraph "f" or "h" by its employees. The department shall pick up these contributions by reducing the salary of each of its employees covered by this chapter by the amount which each employee is required to contribute under paragraph "f" or "h" and shall certify the amount picked up in lieu of the member contributions to the department of revenue administrative services. The department of revenue administrative services shall forward the amount of the contributions picked up to the board of trustees for recording and deposit in the pension accumulation fund.

Sec. 16. Section 97B.50, subsection 2, paragraph c, Code Supplement 2003, is amended to read as follows:

c. A vested member who terminated service due to a disability, who has been issued payment for a refund pursuant to section 97B.53, and who subsequently commences receiving disability benefits as a result of that disability pursuant to the federal Social Security Act, 42 U.S.C. § 423 et seq. or the federal Railroad Retirement Act, 45 U.S.C. § 231 et seq., may receive credit for membership service for the period covered by the refund payment, upon repayment to the system of the actuarial cost of receiving service credit for the period covered by the refund payment, as determined by the system. For purposes of this paragraph, the actuarial cost of the service purchase shall be determined as provided in section 97B.74. The payment to the system as provided in this paragraph shall be made within ninety days after July 1, 2000, or the date federal disability payments commenced, whichever occurs later. For purposes of this paragraph, the date federal disability payments commence shall be the date that the member actually receives the first such payment, regardless of any retroactive payments included in that payment. A member who repurchases service credit under this paragraph and applies for retirement benefits shall have the member's monthly allowance, including retroactive adjustment payments, determined in the same manner as provided in paragraph "a" or "b", as applicable. ~~This paragraph shall not be implemented until the system has received a determination letter from the federal internal revenue service approving the system's plan's qualified status under Internal Revenue Code section 401(a).~~

Sec. 17. Section 97B.50A, subsection 10, paragraph a, subparagraphs (1) and (2), Code Supplement 2003, are amended to read as follows:

(1) The system shall be indemnified out of the recovery of damages to the extent of benefit

payments made by the retirement system, with legal interest, except that the plaintiff member's attorney fees may be first allowed by the district court.

(2) The system has a lien on the damage claim against the third party and on any judgment on the damage claim for benefits for which the retirement system is liable. In order to continue and preserve the lien, the system shall file a notice of the lien within thirty days after receiving a copy of the original notice in the office of the clerk of the district court in which the action is filed.

Sec. 18. Section 97B.50A, subsection 10, paragraph b, subparagraphs (1) and (2), Code Supplement 2003, are amended to read as follows:

(1) A sum sufficient to repay the system for the amount of such benefits actually paid by the retirement system up to the time of the entering of the judgment.

(2) A sum sufficient to pay the system the present worth, computed at the interest rate provided in section 535.3 for court judgments and decrees, of the future payments of such benefits for which the retirement system is liable, but the sum is not a final adjudication of the future payment which the member is entitled to receive.

Sec. 19. Section 99G.8, subsection 11, Code Supplement 2003, is amended to read as follows:

11. The board shall meet at least quarterly and at such other times upon call of the chairperson or the ~~president~~ chief executive officer. Notice of the time and place of each board meeting shall be given to each member. The board shall also meet upon call of three or more of the board members. The board shall keep accurate and complete records of all its meetings.

Sec. 20. Section 99G.31, subsection 1, Code Supplement 2003, is amended to read as follows:

1. The chief executive officer shall award the designated prize to the holder of the ticket or shareholder share upon presentation of the winning ticket or confirmation of a winning share. The prize shall be given to only one person as provided in this section; however, a prize shall be divided between holders of winning tickets if there is more than one winning ticket.

Sec. 21. Section 99G.34, subsection 8, Code Supplement 2003, is amended to read as follows:

8. Information that is otherwise confidential obtained pursuant to investigations as provided in section 99G.35.

Sec. 22. Section 147.107, subsection 7, Code Supplement 2003, is amended by striking the subsection.

Sec. 23. Section 148C.1, subsection 4, Code Supplement 2003, is amended to read as follows:

4. "Licensed physician assistant" means a person who is licensed by the board to practice as a physician assistant under the supervision of one or more physicians ~~specified in the license~~. "Supervision" does not require the personal presence of the supervising physician at the place where medical services are rendered except insofar as the personal presence is expressly required by this chapter or required by rules of the board adopted pursuant to this chapter.

Sec. 24. Section 148C.3, subsection 2, Code Supplement 2003, is amended to read as follows:

2. Rules shall be adopted by the board pursuant to this chapter requiring a licensed physician assistant to be supervised by physicians. The rules shall provide that not more than two physician assistants shall be supervised by a physician at one time. The rules shall also provide that a physician assistant shall notify the board of the identity of ~~their~~ the physician assistant's supervising physician, and of any change in the status of the supervisory relationship.

Sec. 25. Section 159.34, subsection 1, Code Supplement 2003, is amended to read as follows:

1. A contract executed under this subchapter may require that a depository provide for the receipt, acceptance, and storage of filing documents that are sent in an electronic format to the depository by persons who would otherwise be required to submit filing documents to the department under other provisions of this title. The contract shall be governed under the same provisions as provided in section ~~14B.202~~ 8A.106.

Sec. 26. Section 161C.7, subsection 1, Code Supplement 2003, is amended by striking the subsection.

Sec. 27. Section 163.30, subsection 2, paragraph a, Code Supplement 2003, is amended to read as follows:

a. "Dealer" means any person who is engaged in the business of buying for resale, or selling, or exchanging swine as a principal or agent or who claims to be so engaged, but does not include the owner or operator of a farm who does not claim to be so engaged, and who sells or exchanges only those swine which have been kept by the person solely for feeding or breeding purposes.

Sec. 28. Section 232.95, subsection 2, Code 2003, is amended by adding the following new paragraphs:

NEW PARAGRAPH. b. Release the child to the child's parent, guardian, or custodian pending a final order of disposition.

NEW PARAGRAPH. c. Authorize a physician or hospital to provide medical or surgical procedures if such procedures are necessary to safeguard the child's life or health.

Sec. 29. Section 232B.10, subsection 1, Code Supplement 2003, is amended to read as follows:

1. For the purposes of this ~~section~~ chapter, unless the context otherwise requires, a "qualified expert witness" may include, but is not limited to, a social worker, sociologist, physician, psychologist, traditional tribal therapist and healer, spiritual leader, historian, or elder.

Sec. 30. Section 257.26, Code Supplement 2003, is amended to read as follows:

257.26 INSTRUCTIONAL SUPPORT INCOME SURTAX DISTRIBUTION.

The director of revenue ~~the department of administrative services~~ shall draw warrants in payment of the amount of instructional support surtax in the manner provided in section 298.14.

Sec. 31. Section 260G.4B, subsection 1, Code Supplement 2003, is amended to read as follows:

1. The total amount of program job credits from all employers which shall be allocated for all accelerated career education programs in the state in any one fiscal year shall not exceed the sum of three million dollars in the fiscal year beginning July 1, 2000, three million dollars in the fiscal year beginning July 1, 2001, three million dollars in the fiscal year beginning July 1, 2002, four million dollars in the fiscal year beginning July 1, 2003, and six million dollars in the fiscal year beginning July 1, 2004, and every fiscal year thereafter. Any increase in program job credits above the six-million-dollar limitation per fiscal year shall be developed, based on recommendations in a study which shall be conducted by the department of economic development, pursuant to this section, Code Supplement 2003, of the needs and performance of approved programs in the fiscal years beginning July 1, 2000, and July 1, 2001. ~~The study's findings and recommendations shall be submitted to the general assembly by the department by December 31, 2002. The study shall include but not be limited to an examination of the quality of the programs, the number of program participant placements, the wages and benefits in program jobs, the level of employer contributions, the size of participating employers, and employer locations.~~ A community college shall file a copy of each agreement with the

department of economic development. The department shall maintain an annual record of the proposed program job credits under each agreement for each fiscal year. Upon receiving a copy of an agreement, the department shall allocate any available amount of program job credits to the community college according to the agreement sufficient for the fiscal year and for the term of the agreement. When the total available program job credits are allocated for a fiscal year, the department shall notify all community colleges that the maximum amount has been allocated and that further program job credits will not be available for the remainder of the fiscal year. Once program job credits have been allocated to a community college, the full allocation shall be received by the community college throughout the fiscal year and for the term of the agreement even if the statewide program job credit maximum amount is subsequently allocated and used.

Sec. 32. Section 282.33, subsection 1, Code Supplement 2003, is amended to read as follows:

1. A child who resides in an institution for children under the jurisdiction of the director of human services referred to in section 218.1, subsection 3, 5, 7, or 8, and who is not enrolled in the educational program of the district of residence of the child, shall receive appropriate educational services. The institution in which the child resides shall submit a proposed program and budget based on the average daily attendance of the children residing in the institution to the department of education and the department of human services by January 1 for the next succeeding school year. The department of education shall review and approve or modify the proposed program and budget and shall notify the department of revenue administrative services of its action by February 1. The department of revenue administrative services shall pay the approved budget amount to the department of human services in monthly installments beginning September 15 and ending June 15 of the next succeeding school year. The installments shall be as nearly equal as possible as determined by the department of revenue administrative services, taking into consideration the relative budget and cash position of the state's resources. The department of revenue administrative services shall pay the approved budget amount for the department of human services from the moneys appropriated under section 257.16 and the department of human services shall distribute the payment to the institution. The institution shall submit an accounting for the actual cost of the program to the department of education by August 1 of the following school year. The department shall review and approve or modify all expenditures incurred in compliance with the guidelines adopted pursuant to section 256.7, subsection 10, and shall notify the department of revenue administrative services of the approved accounting amount. The approved accounting amount shall be compared with any amounts paid by the department of revenue administrative services to the department of human services and any differences added to or subtracted from the October payment made under this subsection for the next school year. Any amount paid by the department of revenue administrative services shall be deducted monthly from the state foundation aid paid under section 257.16 to all school districts in the state during the subsequent fiscal year. The portion of the total amount of the approved budget that shall be deducted from the state aid of a school district shall be the same as the ratio that the budget enrollment for the budget year of the school district bears to the total budget enrollment in the state for that budget year in which the deduction is made.

Sec. 33. Section 301.1, subsection 2, Code Supplement 2003, is amended to read as follows:

2. Textbooks adopted and purchased by a school district shall, to the extent funds are appropriated by the general assembly, be made available to pupils attending accredited nonpublic schools upon request of the pupil or the pupil's parent under comparable terms as made available to pupils attending public schools. If the general assembly appropriates moneys for purposes of making textbooks available to accredited nonpublic school pupils, the department of education shall ascertain the amount available to a school district for the purchase of nonsectarian, nonreligious textbooks for pupils attending accredited nonpublic schools. The amount shall be in the proportion that the basic enrollment of a participating accredited

nonpublic school bears to the sum of the basic enrollments of all participating accredited nonpublic schools in the state for the budget year. For purposes of this section, a "participating accredited nonpublic school" means an accredited nonpublic school that submits a written request on behalf of the school's pupils in accordance with this subsection, and that certifies its actual enrollment to the department of education by October 1, annually. By October 15, annually, the department of education shall certify to the director of ~~revenue~~ the department of administrative services the annual amount to be paid to each school district, and the director of ~~revenue~~ the department of administrative services shall draw warrants payable to school districts in accordance with this subsection. For purposes of this subsection, an accredited nonpublic school's enrollment count shall include only students who are residents of Iowa. The costs of providing textbooks to accredited nonpublic school pupils as provided in this subsection shall not be included in the computation of district cost under chapter 257, but shall be shown in the budget as an expense from miscellaneous income. Textbook expenditures made in accordance with this subsection shall be kept on file in the school district.

Sec. 34. Section 304A.29, Code Supplement 2003, is amended to read as follows:
304A.29 CLAIMS.

1. Claims for losses covered by indemnity agreements under this division shall be submitted to the department of administrative services which shall review the claims. If the department determines that the loss is covered by the agreement, the department shall certify the validity of the claim, ~~and authorize payment of the amount of loss, less any deductible portion, to the lender, and issue a warrant for payment of the claim from the state general fund out of any funds not otherwise appropriated.~~

2. The department shall prescribe rules providing for prompt adjustment of valid claims. The rules shall include provisions for the employment of consultants and for the arbitration of issues relating to the dollar value of damages involving less than total loss or destruction of covered items.

~~3. The authorization for payment shall be forwarded to the director of the department of administrative services, who shall issue a warrant for payment of the claim from the state general fund out of any funds not otherwise appropriated.~~

Sec. 35. Section 321.91, subsection 2, Code 2003, is amended to read as follows:

2. A person ~~convicted of a violation of this section~~ who abandons a vehicle is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph "b".

Sec. 36. Section 321.210B, Code Supplement 2003, is amended to read as follows:

321.210B NONRENEWAL OR SUSPENSION FOR FAILURE TO PAY INDEBTEDNESS OWED TO THE STATE.

The department shall suspend or refuse to renew the driver's license of a person who has a delinquent account owed to the state according to records provided by the department of revenue pursuant to section 421.17. A license shall be suspended or shall not be renewed until such time as the department of ~~administrative services~~ revenue notifies the state department of transportation that the licensee has made arrangements for payment of the debt with the agency which is owed or is collecting the debt. This section is only applicable to those persons residing in a county which is participating in the driver's license indebtedness clearance pilot project.

Sec. 37. Section 331.304, subsection 10, Code 2003, is amended to read as follows:

10. A county shall not adopt or enforce any ordinance imposing any registration or licensing system or registration or license fees for owner-occupied manufactured or mobile homes including the lots or lands upon which they are located. A county shall not adopt or enforce any ordinance imposing any registration or licensing system, or registration or license fees, or safety or sanitary standards for rental manufactured or mobile homes unless similar registration or licensing system, or registration or license fees, or safety or sanitary standards are

required for other rental properties intended for human habitation. This subsection does not preclude the investigation and abatement of a nuisance or the enforcement of a tiedown system, or the enforcement of any regulations of the state or local board of health if those regulations apply to other rental properties or to owner-occupied housing intended for human habitation.

Sec. 38. Section 331.559, subsection 1, Code Supplement 2003, is amended to read as follows:

1. Determine and collect taxes on mobile homes and manufactured homes as provided in sections 435.22 to 435.26.

Sec. 39. Section 331.602, subsection 29, Code Supplement 2003, is amended to read as follows:

29. ~~Register~~ Record the name and description of a farm as provided in sections 557.22 to 557.26.

Sec. 40. Section 331.756, subsection 63, Code Supplement 2003, is amended to read as follows:

63. Present to the grand jury at its next session a copy of the report filed by the ~~division department~~ of corrections of the department of human services of its inspection of the jails in the county as provided in section 356.43.

Sec. 41. Section 356.7, subsection 1, Code Supplement 2003, is amended to read as follows:

1. The county sheriff, or a municipality operating a temporary municipal holding facility or jail, may charge a prisoner who is eighteen years of age or older and who has been convicted of a criminal offense or sentenced for contempt of court for violation of a domestic abuse order for the actual administrative costs relating to the arrest and booking of that prisoner, and for room and board provided to the prisoner while in the custody of the county sheriff or municipality. Moneys collected by the sheriff or municipality under this section shall be credited respectively to the county general fund or the city general fund and distributed as provided in this section. If a prisoner who has been convicted of a criminal offense or sentenced for contempt of court for violation of a domestic abuse order fails to pay for the administrative costs and the room and board, the sheriff or municipality may file a ~~room and board~~ reimbursement claim with the district court as provided in subsection 2. The county attorney may file the reimbursement claim on behalf of the sheriff and the county or the municipality. The attorney for the municipality may also file a reimbursement claim on behalf of the municipality. This section does not apply to prisoners who are paying for their room and board by court order pursuant to sections 356.26 through 356.35.

Sec. 42. Section 368.4, Code Supplement 2003, is amended to read as follows:

368.4 ANNEXING MORATORIUM.

A city, following notice and hearing, may by resolution agree with another city or cities to refrain from annexing specifically described territory for a period not to exceed ten years and, following notice and hearing, may by resolution extend the agreement for subsequent periods not to exceed ten years each. Notice of a hearing shall be served by regular mail at least thirty days before the hearing on the city development board and on the board of supervisors of the county in which the territory is located and shall be published in an official county newspaper in each county containing a city conducting a hearing regarding the agreement, in an official county newspaper in any county within two miles of any such city, and in an official newspaper of each city conducting a hearing regarding the agreement. The notice shall include the time and place of the hearing, describe the territory subject to the proposed agreement, and the general terms of the agreement. After passage of a resolution by the cities approving the agreements, a copy of the agreement and a copy of any resolution extending an agreement shall be filed with the city development board within ten days of enactment. If such an agreement is in force, the board shall dismiss a petition or plan which violates the terms of the agreement.

Sec. 43. Section 368.26, unnumbered paragraph 3, Code Supplement 2003, is amended to read as follows:

For the purposes of this section, "protected farmland" means land that is part of a century farm as that term is defined in section 403.17, subsection 10. ~~"County~~ For the purposes of this section, "county legislation" means any ordinance, motion, resolution, or amendment adopted by a county pursuant to section 331.302.

Sec. 44. Section 372.4, subsection 3, Code Supplement 2003, is amended to read as follows:

3. In a city having a population of ~~between five hundred and or more, but not more than~~ five thousand, the city council may, or shall upon petition of the electorate meeting the numerical requirements of section 372.2, subsection 1, submit a proposal at the next regular or special city election to reduce the number of council members to three. If a majority of the voters voting on the proposal approves it, the proposal is adopted. If the proposal is adopted, the new council shall be elected at the next regular or special city election. The council shall determine by ordinance whether the three council members are elected at large or by ward.

Sec. 45. Section 422.12D, subsection 4, Code Supplement 2003, is amended to read as follows:

4. The department shall adopt rules to implement this section. However, before a checkoff pursuant to this section shall be permitted, all liabilities on the books of the department of ~~revenue~~ administrative services and accounts identified as owing under section ~~421.17 8A.504~~ and the political contribution allowed under section 68A.601 shall be satisfied.

Sec. 46. Section 422.16, subsection 9, Code Supplement 2003, is amended to read as follows:

9. The amount of any overpayment of the individual income tax liability of the employee taxpayer, nonresident, or other person which may result from the withholding and payment of withheld tax by the employer or withholding agent to the department under subsections 1 and 12, as compared to the individual income tax liability of the employee taxpayer, nonresident, or other person properly and correctly determined under the provisions of section 422.4, to and including section 422.25, may be credited against any income tax or installment thereof then due the state of Iowa and any balance of one dollar or more shall be refunded to the employee taxpayer, nonresident or other person with interest at the rate in effect under section 421.7 for each month or fraction of a month, the interest to begin to accrue on the first day of the second calendar month following the date the return was due to be filed or was filed, whichever is the later date. Amounts less than one dollar shall be refunded to the taxpayer, nonresident, or other person only upon written application, in accordance with section 422.73, and only if the application is filed within twelve months after the due date of the return. Refunds in the amount of one dollar or more provided for by this subsection shall be paid by the treasurer of state by warrants drawn by the director of ~~revenue~~ the department of administrative services, or an authorized employee of the department, and the taxpayer's return of income shall constitute a claim for refund for this purpose, except in respect to amounts of less than one dollar. There is appropriated, out of any funds in the state treasury not otherwise appropriated, a sum sufficient to carry out the provisions of this subsection.

Sec. 47. Section 422.35, subsection 18, Code Supplement 2003, is amended to read as follows:

18. Add, to the extent not already included, income from the sale of obligations of the state and its political ~~divisions~~ subdivisions. Income from the sale of these obligations is exempt from the taxes imposed by this division only if the law authorizing these obligations specifically exempts the income from the sale from the state corporate income tax.

Sec. 48. Section 422.70, subsection 3, Code 2003, is amended to read as follows:

3. The fees and mileage to be paid witnesses and charged as costs shall be the same as

prescribed by law in proceedings in the district court of this state in civil cases. All costs shall be charged in the manner provided by law in proceedings in civil cases. If the costs are charged to the taxpayer they shall be added to the taxes assessed against the taxpayer and shall be collected in the same manner. Costs charged to the state shall be certified by the director ~~who~~ and the department of administrative services shall issue warrants on the state treasurer for the amount of the costs, to be paid out of the proceeds of the taxes collected under this chapter.

Sec. 49. Section 425.23, subsection 3, paragraph a, Code Supplement 2003, is amended to read as follows:

a. A person who is eligible to file a claim for credit for property taxes due and who has a household income of eight thousand five hundred dollars or less and who has an unpaid special assessment levied against the homestead may file a claim for a special assessment credit with the county treasurer. The department shall provide to the respective treasurers the forms necessary for the administration of this subsection. The claim shall be filed not later than September 30 of each year. Upon the filing of the claim, interest for late payment shall not accrue against the amount of the unpaid special assessment due and payable. The claim filed by the claimant constitutes a claim for credit of an amount equal to the actual amount due upon the unpaid special assessment, plus interest, payable during the fiscal year for which the claim is filed against the homestead of the claimant. However, where the claimant is an individual described in section 425.17, subsection 2, paragraph "b", and the tentative credit is determined according to the schedule in subsection 1, paragraph "b", subparagraph (2), of this section, the claim filed constitutes a claim for credit of an amount equal to one-half of the actual amount due and payable during the fiscal year. The treasurer shall certify to the director of revenue not later than October 15 of each year the total amount of dollars due for claims allowed. The amount of reimbursement due each county shall be certified by the director of revenue and paid by the director of revenue the department of administrative services by November 15 of each year, drawn upon warrants payable to the respective treasurer. There is appropriated annually from the general fund of the state to the department of revenue an amount sufficient to carry out the provisions of this subsection. The treasurer shall credit any moneys received from the department against the amount of the unpaid special assessment due and payable on the homestead of the claimant.

Sec. 50. Section 425A.6, Code Supplement 2003, is amended to read as follows:
425A.6 WARRANTS DRAWN AUTHORIZED BY DIRECTOR — PRORATION.

After receiving from the county auditors the certifications provided for in section 425A.5, and during the following fiscal year, the director of revenue shall authorize the department of administrative services to draw warrants on the family farm tax credit fund created in section 425A.1, payable to the county treasurers in the amount certified by the county auditors of the respective counties and mail the warrants to the county auditors on June 1 of each year taking into consideration the relative budget and cash position of the state resources. However, if the family farm tax credit fund is insufficient to pay in full the total of the amounts certified to the director of revenue, the director shall prorate the fund to the county treasurers and shall notify the county auditors of the pro rata percentage on or before June 1.

Sec. 51. Section 425A.7, Code Supplement 2003, is amended to read as follows:
425A.7 APPORTIONMENT BY AUDITOR.

Upon receiving the pro rata percentage from the director of revenue, the county auditor shall determine the amount to be credited to each tract of agricultural land, and shall enter upon tax lists as a credit against the tax levied on each tract of agricultural land on which there has been made an allowance of credit before delivering the tax lists to the county treasurer. Upon receipt of the ~~director's~~ warrant by the county auditor, the auditor shall deliver the warrant to the county treasurer for apportionment. The county treasurer shall show on each tax receipt the amount of tax credit for each tract of agricultural land. In case of change of ownership the credit shall follow the title.

Sec. 52. Section 426.7, Code Supplement 2003, is amended to read as follows:
426.7 WARRANTS DRAWN AUTHORIZED BY DIRECTOR.

After receiving from the county auditors the certifications provided for in section 426.6, and during the following fiscal year, the director of revenue shall authorize the department of administrative services to draw warrants on the agricultural land credit fund created in section 426.1, payable to the county treasurers in the amount certified by the county auditors of the respective counties and mail the warrants to the county auditors on July 15 of each year taking into consideration the relative budget and cash position of the state resources. However, if the agricultural land credit fund is insufficient to pay in full the total of the amounts certified to the director of revenue, the director shall prorate the fund to the county treasurers and notify the county auditors of the pro rata percentage on or before June 15.

Sec. 53. Section 426.8, Code Supplement 2003, is amended to read as follows:
426.8 APPORTIONMENT BY AUDITOR.

Upon receiving the pro rata percentage from the director of revenue, the county auditor shall determine the amount to be credited to each tract of agricultural land, and shall enter upon tax lists as a credit against the tax levied on each tract of agricultural land on which there has been made an allowance of credit before delivering said tax lists to the county treasurer. Upon receipt of the ~~director's~~ warrant by the county auditor, the auditor shall deliver said warrant to the county treasurer for apportionment. The county treasurer shall show on each tax receipt the amount of tax credit for each tract of agricultural land. In case of change of ownership the credit shall follow the title.

Sec. 54. Section 426A.4, Code Supplement 2003, is amended to read as follows:
426A.4 CERTIFICATION BY DIRECTOR OF REVENUE.

Sums distributable from the general fund of the state shall be allocated annually to the counties of the state. On September 15 annually the director of revenue shall certify and the department of administrative services shall draw warrants to the treasurer of each county payable from the general fund of the state in the amount claimed. Payments shall be made to the treasurer of each county not later than September 30 of each year.

Sec. 55. Section 434.22, Code Supplement 2003, is amended to read as follows:
434.22 LEVY AND COLLECTION OF TAX.

At the first meeting of the board of supervisors held after said statement is received by the county auditor, it the board shall cause the same to be entered on its minute book, and make and enter therein in the minute book an order stating the length of the main track and the assessed value of each railway lying in each city, township, or lesser taxing district in its county, through or into which ~~said the~~ railway extends, as fixed by the director of revenue, which shall constitute the taxable value of ~~said the~~ property for taxing purposes; and the taxes on ~~said the~~ property, when collected by the county treasurer, shall be disposed of as other taxes. The county auditor shall transmit a copy of ~~said the~~ order to the council or trustees of the city or township.

Sec. 56. Section 437.10, Code Supplement 2003, is amended to read as follows:
437.10 ENTRY OF CERTIFICATE.

At the first meeting of the board of supervisors held after said statements are received by the county auditor, it the board shall cause such statement to be entered in its minute book and make and enter therein in the minute book an order stating the length of the lines and the assessed value of the property of each of ~~said the~~ companies situated in each township or lesser taxing district in each county outside cities, as fixed by the director of revenue, which shall constitute the taxable value of ~~said the~~ property for taxing purposes. The county auditor shall transmit a copy of ~~said the~~ order to the trustees of each township and to the proper taxing boards in lesser taxing districts into which the line or lines of ~~said the~~ company extend in the

county. The taxes on ~~said the~~ property when collected by the county treasurer shall be disposed of as other taxes on real estate.

Sec. 57. Section 438.15, Code Supplement 2003, is amended to read as follows:
438.15 ASSESSED VALUE IN EACH TAXING DISTRICT — RECORD.

At the first meeting of the board of supervisors held after said statement is received by the county auditor, ~~it the board~~ shall cause the same to be entered on its minute book, and make and enter ~~therein in the minute book~~ an order describing and stating the assessed value of each pipeline lying in each city, township, or lesser taxing district in its county, through or into which ~~said the~~ pipeline extends, as fixed by the director of revenue, which shall constitute the assessed value of ~~said the~~ property for taxing purposes; and the taxes on ~~said the~~ property, when collected by the county treasurer, shall be disposed of as other taxes. The county auditor shall transmit a copy of ~~said the~~ order to the council of the city, or the trustees of the township, as the case may be.

Sec. 58. Section 441.26, unnumbered paragraph 4, Code Supplement 2003, is amended to read as follows:

The assessment rolls shall be used in listing the property and showing the values affixed to the property of all persons assessed. The rolls shall be made in duplicate. The duplicate roll shall be signed by the assessor, detached from the original and delivered to the person assessed if there has been an increase or decrease in the valuation of the property. If there has been no change in the ~~evaluation~~ valuation, the information on the roll may be printed on computer stock paper and preserved as required by this chapter. If the person assessed requests in writing a copy of the roll, the copy shall be provided to the person. The pages of the assessor's assessment book shall contain columns ruled and headed for the information required by this chapter and that which the director of revenue deems essential in the equalization work of the director. The assessor shall return all assessment rolls and schedules to the county auditor, along with the completed assessment book, as provided in this chapter, and the county auditor shall carefully keep and preserve the rolls, schedules and book for a period of five years from the time of its filing in the county auditor's office.

Sec. 59. Section 453A.3, subsection 1, paragraph c, Code 2003, is amended by striking the paragraph.

Sec. 60. Section 453A.8, subsection 3, unnumbered paragraph 1, Code 2003, is amended to read as follows:

The department may make refunds on unused stamps to the person who purchased the stamps at a price equal to the amount paid for the stamps when proof satisfactory to the department is furnished that any stamps upon which a refund is requested were properly purchased from the department and paid for by the person requesting the refund. In making the refund, the department shall prepare a voucher showing the amount of refund due and to whom payable and shall authorize the department of administrative services to issue a warrant upon order of the director to pay the refund out of any funds in the state treasury not otherwise appropriated.

Sec. 61. Section 455B.105, subsections 6 and 8, Code Supplement 2003, are amended to read as follows:

6. Approve all contracts and agreements under this chapter and chapter 459, ~~subchapters I, II, III, IV, and VI,~~ between the department and other public or private persons or agencies.

8. Hold public hearings, except when the evidence to be received is confidential pursuant to this chapter, chapter 22, or chapter 459, ~~subchapters I, II, III, IV, and VI,~~ necessary to carry out its powers and duties. The commission may issue subpoenas requiring the attendance of witnesses and the production of evidence pertinent to the hearings. A subpoena shall be issued and enforced in the same manner as provided in civil actions.

Sec. 62. Section 455B.107, Code Supplement 2003, is amended to read as follows:

455B.107 WARRANTS BY DIRECTOR OF DEPARTMENT OF ADMINISTRATIVE SERVICES.

The director of the department of administrative services shall draw warrants on the treasurer of state for all disbursements authorized by the provisions of this chapter and chapter 459, subchapters I, II, III, IV, and VI, upon itemized and verified vouchers bearing the approval of the director of the department of natural resources.

Sec. 63. Section 455B.423, subsection 1, Code 2003, is amended to read as follows:

1. A hazardous substance remedial fund is created within the state treasury. Moneys received from fees, penalties, general revenue, federal funds, gifts, bequests, donations, or other moneys so designated shall be deposited in the state treasury to the credit of the fund. Any unexpended balance in the remedial fund at the end of each fiscal year shall be retained in the fund. However, any unexpended balance shall be transferred to the general fund to replace funds appropriated from the general fund during fiscal year 1985 and fiscal year 1986 for the purposes for which expenditures from the remedial fund are allowed.

Sec. 64. Section 455E.11, subsection 2, paragraph e, Code Supplement 2003, is amended to read as follows:

e. An oil overcharge account. The oil overcharge moneys distributed by the United States department of energy, and approved for the energy related components of the groundwater protection strategy available through the energy conservation trust created in section 473.11, shall be deposited in the oil overcharge account as appropriated by the general assembly. The oil overcharge account shall be used for the following purposes:

(1) The following amounts are appropriated to the department of natural resources to implement its responsibilities pursuant to section 455E.8:

(a) For the fiscal year beginning July 1, 1987 and ending June 30, 1988, eight hundred sixty thousand dollars is appropriated.

(b) For the fiscal year beginning July 1, 1988 and ending June 30, 1989, six hundred fifty thousand dollars is appropriated.

(c) For the fiscal year beginning July 1, 1989 and ending June 30, 1990, six hundred thousand dollars is appropriated.

(d) For the fiscal year beginning July 1, 1990 and ending June 30, 1991, five hundred thousand dollars is appropriated.

(e) For the fiscal year beginning July 1, 1991 and ending June 30, 1992, five hundred thousand dollars is appropriated.

(2) For the fiscal year beginning July 1, 1987 and ending June 30, 1988, five hundred sixty thousand dollars is appropriated to the department of natural resources for assessing rural, private water supply quality.

(3) For the fiscal period beginning July 1, 1987 and ending June 30, 1989, one hundred thousand dollars is appropriated annually to the department of natural resources for the administration of a groundwater monitoring program at sanitary landfills.

(4) The following amounts are appropriated to the Iowa state water resources research institute to provide competitive grants to colleges, universities, and private institutions within the state for the development of research and education programs regarding alternative disposal methods and groundwater protection:

(a) For the fiscal year beginning July 1, 1987 and ending June 30, 1988, one hundred twenty thousand dollars is appropriated.

(b) For the fiscal year beginning July 1, 1988 and ending June 30, 1989, one hundred thousand dollars is appropriated.

(c) For the fiscal year beginning July 1, 1989 and ending June 30, 1990, one hundred thousand dollars is appropriated.

(5) The following amounts are appropriated to the department of natural resources to develop and implement demonstration projects for landfill alternatives to solid waste disposal, including recycling programs:

(a) For the fiscal year beginning July 1, 1987 and ending June 30, 1988, seven hundred sixty thousand dollars is appropriated.

(b) For the fiscal year beginning July 1, 1988 and ending June 30, 1989, eight hundred fifty thousand dollars is appropriated.

(6) For the fiscal period beginning July 1, 1987 and ending June 30, 1988, eight hundred thousand dollars is appropriated to the Leopold center for sustainable agriculture.

(7) Seven million five hundred thousand dollars is appropriated to the agriculture energy management fund created under chapter 161B for the fiscal period beginning July 1, 1987 and ending June 30, 1992, to develop nonregulatory programs to implement integrated farm management of farm chemicals for environmental protection, energy conservation, and farm profitability; interactive public and farmer education; and applied studies on best management practices and best appropriate technology for chemical use efficiency and reduction.

(8) The following amounts are appropriated to the department of natural resources to continue the Big Spring demonstration project in Clayton county.

(a) For the fiscal period beginning July 1, 1987 and ending June 30, 1990, seven hundred thousand dollars is appropriated annually.

(b) For the fiscal period beginning July 1, 1990 and ending June 30, 1992, five hundred thousand dollars is appropriated annually.

(9) For the fiscal period beginning July 1, 1987 and ending June 30, 1990, one hundred thousand dollars is appropriated annually to the department of agriculture and land stewardship to implement a targeted education program on best management practices and technologies for the mitigation of groundwater contamination from or closure of agricultural drainage wells, abandoned wells, and sinkholes.

Sec. 65. Section 455G.5, unnumbered paragraph 2, Code Supplement 2003, is amended to read as follows:

The board may enter into a contract or an agreement authorized under chapter 28E with a private agency or person, the department of natural resources, the Iowa finance authority, the department of administrative services, the department of revenue, other departments, agencies, or governmental subdivisions of this state, another state, or the United States, in connection with its administration and implementation of this chapter or chapter 424 or 455B.

Sec. 66. Section 456A.16, unnumbered paragraph 7, Code Supplement 2003, is amended to read as follows:

The department shall adopt rules to implement this section. However, before a checkoff pursuant to this section shall be permitted, all liabilities on the books of the department of revenue administrative services and accounts identified as owing under section 421-17 8A.504 and the political contribution allowed under section 68A.601 shall be satisfied.

Sec. 67. Section 476.53, subsection 4, paragraph b, Code Supplement 2003, is amended to read as follows:

b. In determining the applicable ratemaking principles, the board shall not be limited to traditional ratemaking principles or traditional cost recovery mechanisms. Among the principles and mechanisms the board may consider, the board has the authority to approve ratemaking principles proposed by a rate-regulated public utility that provide for reasonable restrictions upon the ability of the public utility to seek a general increase in electric rates under section 476.6 for at least three years after the generation generating facility begins providing service to Iowa customers.

Sec. 68. Section 483A.24A, subsection 2, paragraph c, Code Supplement 2003, is amended to read as follows:

c. "Public institution" means a state institution listed under section 904.102, subsections 1 through 10, that is administered by the department of corrections.

Sec. 69. Section 501.407, subsection 2, paragraph b, Code Supplement 2003, is amended to read as follows:

b. An intentional infliction of harm on the ~~corporation~~ cooperative or its ~~shareholders~~ members.

Sec. 70. Section 508.38, subsection 11, Code Supplement 2003, is amended to read as follows:

11. After July 1, 2003, a company may elect either to apply the provisions of this section as it existed prior to July 1, 2003, or to apply the provisions of this section as ~~enacted~~ amended by 2003 Acts, ch 91, § 8 – 10, to annuity contracts on a contract form-by-form basis before the ~~second anniversary of the effective date of 2003 Acts, ch 91, § 8 – 10~~ July 1, 2005. In all other instances, this section shall become operative with respect to annuity contracts issued by the company two years after July 1, 2003.

Sec. 71. Section 510.6, subsections 6 and 7, Code 2003, are amended to read as follows:

6. An insurer shall review its books and records each quarter and determine if any insurance producer, as defined by section 510A.2, has become, by operation of section 510.1B, subsection 4, a managing general agent as defined in that section. If the insurer determines that a an insurance producer has become a managing general agent by operation of section 510.1B, subsection 4, the insurer shall promptly notify the insurance producer and the commissioner of such determination and the insurer and insurance producer shall fully comply with the provisions of this chapter within thirty days.

7. An insurer shall not appoint to its board of directors an officer, director, employee, insurance producer, or controlling shareholder of a managing general agent of the insurer. This subsection shall not apply to relationships governed by chapter 521A relating to the regulation of insurance company holding systems, or, if applicable, by chapter 510A relating to the regulation of insurance producer controlled property and casualty insurers.

Sec. 72. Section 510A.4, subsection 1, paragraph b, subparagraph (2), Code Supplement 2003, is amended to read as follows:

(2) The controlled insurer, except for insurance business written through a residual market facility, accepts insurance business only from the controlling producer, ~~a~~ an insurance producer controlled by the controlled insurer, or an insurance producer that is a subsidiary of the controlled insurer.

Sec. 73. Section 514B.12, unnumbered paragraph 1, Code Supplement 2003, is amended to read as follows:

A health maintenance organization shall annually on or before the first day of March file with the commissioner or a depository designated by the commissioner a report verified by at least two of ~~its~~ the principal officers of the health maintenance organization and covering the preceding calendar year. The report shall be on forms prescribed by the commissioner and shall include:

Sec. 74. Section 515F.32, subsection 3, Code Supplement 2003, is amended to read as follows:

3. ~~“Plan”~~ “FAIR plan” means the FAIR plan to assure fair access to insurance requirements established pursuant to section 515F.33.

Sec. 75. Section 515F.36, subsection 1, Code Supplement 2003, is amended to read as follows:

1. A governing committee shall administer the FAIR plan, subject to the supervision of the commissioner, ~~and~~ The FAIR plan shall be operated by a manager appointed by the committee.

Sec. 76. Section 533C.103, subsection 4, Code Supplement 2003, is amended to read as follows:

4. ~~A~~ The following entities whether chartered or organized under the laws of a state or of the United States: a bank, bank holding company, savings and loan association, savings bank, credit union, office of an international banking corporation, branch of a foreign bank, corporation organized pursuant to the federal Bank Service Company Act, 12 U.S.C. § 1861 – 1867, or corporation organized under the federal Edge Act, 12 U.S.C. § 611 – 633, ~~under the laws of a state or the United States.~~

Sec. 77. Section 533C.201, subsection 1, Code Supplement 2003, is amended to read as follows:

1. A person shall not engage in the business of money transmission or advertise, solicit, or hold itself out as providing money transmission unless the person:

- a. Is licensed under this article; ~~or~~
- b. Is an authorized delegate of a person licensed under this article.

Sec. 78. Section 533C.303, subsection 4, Code Supplement 2003, is amended to read as follows:

4. An applicant ~~whose application who~~ is denied a license by the superintendent under this article may appeal, within thirty days after receipt of the notice of the denial, from the denial and request a hearing. The denial of a license shall not be deemed a contested case under chapter 17A.

Sec. 79. Section 533C.503, subsection 3, paragraphs e and f, Code Supplement 2003, are amended to read as follows:

- e. A charge filed against or conviction of the licensee or of an executive officer, manager, or director of, or person in control of, the licensee for a felony.
- f. A charge filed against or conviction of an authorized delegate for a felony.

Sec. 80. Section 533C.505, subsection 3, Code Supplement 2003, is amended to read as follows:

3. Records may be maintained outside this state if they are made accessible to within seven business days of receipt of a written request from the superintendent ~~on seven business days' notice that is sent in a record.~~

Sec. 81. Section 533C.703, subsection 3, Code Supplement 2003, is amended to read as follows:

3. ~~An~~ Once the superintendent has commenced an administrative proceeding pursuant to section 533C.701 or 533C.702, an order to cease and desist remains effective and enforceable pending the completion of an administrative ~~the~~ proceeding pursuant to ~~section 533C.701 or 533C.702.~~

Sec. 82. Section 562B.25, subsection 3, Code 2003, is amended to read as follows:

3. Except as otherwise provided in this chapter, the landlord may recover damages, obtain injunctive relief or recover possession of the mobile home space pursuant to an action in forcible entry and detainer under chapter 648 for any material noncompliance by the tenant with the rental agreement or with section 562B.18.

Sec. 83. Section 602.6305, subsection 1, Code Supplement 2003, is amended to read as follows:

1. District associate judges shall serve initial terms and shall stand for retention in office within the judicial election districts of their residences at the judicial election ~~in 1982 and every six years thereafter,~~ under sections ~~46.17 to~~ 46.16 through 46.24.

Sec. 84. Section 602.8107, subsection 4, unnumbered paragraph 2, Code Supplement 2003, is amended to read as follows:

This subsection does not apply to amounts collected for victim restitution, the victim compensation fund, criminal penalty surcharge, law enforcement initiative surcharge, amounts collected as a result of procedures initiated under subsection 5 or under section 8A.504, or ~~sheriff's room and board fees~~ charged pursuant to section 356.7.

Sec. 85. Section 631.4, subsection 2, paragraphs a and d, Code 2003, are amended to read as follows:

a. In an action for ~~the forcible entry or detention of real property and detainer under chapter 648,~~ the clerk shall set a date, time and place for hearing, and shall cause service as provided in this subsection.

d. If personal service cannot be made upon each defendant in an action for forcible entry ~~or detention of real property and detainer~~ joined with an action for rent or recovery pursuant to section 648.19, service may be made pursuant to paragraph "c".

Sec. 86. Section 631.5, unnumbered paragraph 1, Code Supplement 2003, is amended to read as follows:

This section applies to all small claims except actions for forcible entry ~~or detention of real property and detainer pursuant to chapter 648~~ and actions for abandonment of mobile homes or personal property pursuant to chapter 555B.

Sec. 87. Section 648.1, unnumbered paragraph 1, Code 2003, is amended to read as follows:

A summary remedy for forcible entry ~~or detention of real property and detainer~~ is allowable:

Sec. 88. Section 648.5, Code 2003, is amended to read as follows:

648.5 JURISDICTION — HEARING — PERSONAL SERVICE.

The court within the county shall have jurisdiction of actions for ~~the forcible entry or detention of real property and detainer.~~ They shall be tried as equitable actions. Unless commenced as a small claim, a petition shall be presented to a district court judge. Upon receipt of the petition, the court shall order a hearing which shall not be later than seven days from the date of the order. Personal service shall be made upon the defendant not less than three days prior to the hearing. In the event that personal service cannot be completed in time to give the defendant the minimum notice required by this section, the court may set a new hearing date. A default cannot be made upon a defendant unless the three days' notice has been given.

Sec. 89. Section 648.10, Code 2003, is amended to read as follows:

648.10 SERVICE BY PUBLICATION.

Notwithstanding the requirements of section 648.5, service may be made by publishing such notice for one week in a newspaper of general circulation published in the county where the petition is filed, provided the petitioner files with the court an affidavit stating that an attempt at personal service made by the sheriff was unsuccessful because the defendant is avoiding service by concealment or otherwise, and that a copy of the petition and notice of hearing has been mailed to the defendant at the defendant's last known address or that the defendant's last known address is not known to the petitioner. Service under this section is complete seven days after publication. The court shall set a new hearing date if necessary to allow the defendant the ~~five-day~~ three-day minimum notice required under section 648.5.

Sec. 90. Section 669.14, subsection 11, unnumbered paragraph 1, Code Supplement 2003, is amended to read as follows:

Any claim for financial loss based upon an act or omission in financial regulation, including but not limited to examinations, inspections, audits, or other financial oversight responsibilities, pursuant to chapter 486, Code 1999, and chapters 87, 203, 203C, 203D, 421B, 486, 486A,

487, and 490 through 553, excluding chapters 540A, 542, 542B, 543B, 543C, 543D, 544A, and 544B.

Sec. 91. Section 805.8A, subsection 12, paragraphs b and c, Code Supplement 2003, are amended to read as follows:

b. For ~~height, weight, length, width, load violations, and towed vehicle~~ violations under section 321.437, the scheduled fine is twenty-five dollars.

c. For ~~height, length, width, and load~~ violations under sections 321.454, 321.455, 321.456, 321.457, and 321.458, the scheduled fine is one hundred dollars.

Sec. 92. Section 901.4, Code Supplement 2003, is amended to read as follows:

901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL — DISTRIBUTION.

The presentence investigation report is confidential and the court shall provide safeguards to ensure its confidentiality, including but not limited to sealing the report, which may be opened only by further court order. At least three days prior to the date set for sentencing, the court shall serve all of the presentence investigation report upon the defendant's attorney and the attorney for the state, and the report shall remain confidential except upon court order. However, the court may conceal the identity of the person who provided confidential information. The report of a medical examination or psychological or psychiatric evaluation shall be made available to the attorney for the state and to the defendant upon request. The reports are part of the record but shall be sealed and opened only on order of the court. If the defendant is committed to the custody of the Iowa department of corrections and is not a class "A" felon, a copy of the presentence investigation report shall be forwarded to the director with the order of commitment by the clerk of the district court and to the board of parole at the time of commitment. Pursuant to section 904.602, the presentence investigation report may also be released by the department of corrections or a judicial district department of correctional services to another jurisdiction for the purpose of providing interstate probation and parole compact ~~or interstate compact for adult offender supervision~~ services or evaluations, or to a substance abuse or mental health services provider when referring a defendant for services. The defendant or the defendant's attorney may file with the presentence investigation report, a denial or refutation of the allegations, or both, contained in the report. The denial or refutation shall be included in the report. If the person is sentenced for an offense which requires registration under chapter 692A, the court shall release the report to the department which is responsible under section 692A.13A for performing the assessment of risk.

Sec. 93. Section 901.5, subsection 7A, paragraph d, Code Supplement 2003, is amended to read as follows:

d. Violation of a no-contact order issued under this ~~section~~ subsection is punishable by summary contempt proceedings. A hearing in a contempt proceeding brought pursuant to this subsection shall be held not less than five days and not more than fifteen days after the issuance of a rule to show cause, as set by the court, unless the defendant is already in custody at the time of the alleged violation in which case the hearing shall be held not less than five days and not more than forty-five days after the issuance of the rule to show cause.

Sec. 94. Section 904.117, Code Supplement 2003, is amended to read as follows:

904.117 INTERSTATE COMPACT FUND.

An interstate compact fund is established under the control of the department. All interstate compact fees collected by the department pursuant to section ~~907B.5~~ 907B.4 shall be deposited into the fund and the moneys shall be used by the department to offset the costs of complying with the interstate compact for adult offender supervision in chapter 907B. Notwithstanding section 8.33, moneys remaining in the fund at the end of a fiscal year shall not revert to the general fund of the state. Notwithstanding section 12C.7, interest and earnings deposited in the fund shall be credited to the fund.

Sec. 95. Sections 335.31, 414.29,¹ and 455B.151, Code 2003, are repealed.

Sec. 96. 2003 Iowa Acts, chapter 180, section 24, enacting section 273.22, subsection 4A, is amended to read as follows:

4A. Not later than fifteen days after the state board notifies an area education agency of its approval of the area education agency's reorganization plan or dissolution proposal, the area education agency shall notify, by certified mail, the school districts located within the area education agency boundaries, the school districts and area education agencies that are contiguous to its boundaries, and any other school district under contract with the area education agency, of the state board's approval of the plan or proposal, and shall provide the department of education with a copy of any notice sent in accordance with this subsection. A petition to join an area education agency or for release from a contract with an area education agency, in accordance with subsections 4, ~~6~~ 5, and ~~7~~ 6, shall be filed not later than forty-five days after the state board approves a reorganization plan or dissolution proposal in accordance with this chapter.

Sec. 97. 2003 Iowa Acts, chapter 180, section 28, amending section 273.23, subsection 11, Code 2003, is amended to read as follows:

11. Unless the reorganization of an area education agency takes effect less than two years before the taking of the next federal decennial census, a newly formed area education agency shall, within one year of the effective date of the reorganization, redraw the boundary lines of director districts in the area education agency if a petition filed by a school district to join the newly formed area education agency, or for release from the newly formed area education agency, in accordance with section 273.22, subsections 4, ~~5~~, and ~~6~~, and ~~7~~, was approved. Until the boundaries are redrawn, the boundaries for the newly formed area education agency shall be as provided in the reorganization plan approved by the state board in accordance with section 273.21.

Sec. 98. 2003 Iowa Acts, chapter 145, section 286, subsection 3, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Notwithstanding the provisions of this subsection to the contrary, section 12.8, Code 2003, is amended by striking from the section the words "division of the department of personnel".

Sec. 99. 2003 Iowa Acts, chapter 151, section 65, is amended to read as follows:

SEC. 65. RETENTION OF JUDGES. The amendments in this Act to section 46.16, subsections 2 and 3, ~~and section 602.6305, subsection 1~~, apply to elections for retaining a judge occurring after the effective date of this Act.

Sec. 100. 2003 Iowa Acts, chapter 179, is amended by adding the following new section: NEW SECTION. SEC. 47A. DELAYED EFFECTIVE DATE. Section 31 of this division of this Act takes effect July 1, 2004.

Sec. 101. 2003 Iowa Acts, First Extraordinary Session, chapter 1, section 114, is amended to read as follows:

SEC. 114. The divisions of this Act designated the grow Iowa values board and fund, the value-added agricultural products and processes financial assistance program, the endow Iowa grants, ~~the technology transfer advisors~~, the Iowa economic development loan and credit guarantee fund, the economic development assistance and data collection, the cultural and entertainment districts, ~~the workforce issues~~, and the university-based research utilization program, are repealed effective June 30, 2010.

Sec. 102. EFFECTIVE DATES AND APPLICABILITY.

1. The sections of this Act amending sections 273.22 and 273.23, as enacted by 2003 Iowa

¹ Sections 335.31 and 414.29 appeared in Code Supplement 2003

Acts, chapter 180, sections 24 and 28, being deemed of immediate importance, take effect upon enactment and apply retroactively to July 1, 2003.

2. The section of this Act amending 2003 Iowa Acts, chapter 145, section 286, being deemed of immediate importance, takes effect upon enactment and is retroactively applicable to July 1, 2003, and is applicable on and after that date.

3. The section of this Act amending 2003 Iowa Acts, chapter 151, section 65, being deemed of immediate importance, takes effect upon enactment.

4. The section of this Act adding a new section to 2003 Iowa Acts, chapter 179, being deemed of immediate importance, takes effect upon enactment.

Approved April 26, 2004

CHAPTER 1102

SAFE DEPOSIT BOX ACCESS BY TRUSTEES

H.F. 2230

AN ACT relating to safe deposit box access by a trustee of a trust created by the deceased owner or lessee of the safe deposit box.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 524.810A, subsection 1, unnumbered paragraph 1, Code 2003, is amended to read as follows:

A bank shall permit a person named in and authorized by a court order to open, examine, and remove the contents of a safe deposit box located at the bank. If a court order has not been delivered to the bank, the following persons may access and remove any or all contents of a safe deposit box located at a state bank and which box is described in an ownership or rental agreement or lease between the state bank and a deceased owner or lessee:

Sec. 2. Section 524.810A, subsection 1, paragraph e, Code 2003, is amended to read as follows:

e. A trustee of a trust created by the deceased owner or lessee upon delivery to the state bank of a copy of the trust together with an affidavit by the trustee either of the following:

(1) A certification of trust pursuant to section 633.4604 which certifies that the trust property is reasonably believed to include property in the safe deposit box.

(2) A copy of the trust with an affidavit by the trustee which certifies that a copy of the trust delivered to the state bank with the affidavit is an accurate and complete copy of the trust, that the trustee is the duly authorized and acting trustee under the trust, that the trust property includes is reasonably believed to include property in the safe deposit box, and that, to the knowledge of the trustee, the trust has not been revoked.

Sec. 3. Section 533.49E, subsection 1, unnumbered paragraph 1, Code 2003, is amended to read as follows:

A credit union shall permit a person named in and authorized by a court order to open, examine, and remove the contents of a safe deposit box located at the credit union. If a court order has not been delivered to the credit union, the following persons may access and remove any or all contents of a safe deposit box located at a state credit union and which box is